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COMMITTEE ON APPLICATIONS FOR
REVIEW OF ADMINISTRATIVE
TRIBUNAL JUDGEMENTS
Thirty-seventh session
Applications Nos. 67 and 68

ADMINISTRATIVE TRIBUNAL JUDGEMENTS No. 507: FAYACHE AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS AND No. 509: HAMADEH-BANERJEE AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS

Report of the Committee

Rapporteur: Mr. Michael WOOD (United Kingdom of Great Britain and Northern Ireland)

INTRODUCTION

1. At its thirty-seventh session, the Committee on Applications for Review of Administrative Tribunal Judgements, established under article 11 of the statute of the Administrative Tribunal, considered the following applications:

(a) Application of Mr. Fayache for review of Administrative Tribunal Judgement No. 507 - Fayache v. the Secretary-General of the United Nations;

(b) Application of Ms. Hamadeh-Banerjee for review of Administrative Tribunal Judgement No. 509 - Hamadeh-Banerjee v. the Secretary-General of the United Nations.

2. Meetings of the Committee were held on 9, 11 and 13 September 1991.

I. COMPOSITION OF THE COMMITTEE AND ORGANIZATION OF THE SESSION

3. The Committee, under paragraph 4 of article 11 of the statute of the Administrative Tribunal, is composed of the member States, the representatives of which have served on the General Committee of the most recent regular session of the General Assembly (forty-fifth session), namely, at this time: Barbados, Brazil, Canada, Chile, China, Congo, Cyprus, Czechoslovakia, Egypt, Fiji, France, Ghana, Greece, Honduras, Indonesia, Lebanon, Malta, Mauritius, Mozambique, Nepal, Rwanda, Saint Lucia, Senegal, Uganda, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

4. At its first meeting, on 9 September 1991, the Committee elected the following officers

Chairman: Mr. Peter Tomka (Czechoslovakia)

Rapporteur: Mr. Michael Wood (United Kingdom)

II. THE APPLICATIONS BEFORE THE COMMITTEE AND THEIR CONSIDERATION

5. On 11 July 1991, the Committee received, through its Secretary, an application from Mr. Fayache requesting a review of Judgement No. 507 rendered by the United Nations Administrative Tribunal on 27 February 1991 in the case Fayache against the Secretary-General of the United Nations. In accordance with paragraph 1 of article III of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 15 August 1991, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.206) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Administrative Tribunal (AT/DEC/507).

6. Written comments of the respondent, submitted with reespect to the application of Mr. Fayache in accordance with paragraph 1 of article IV of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.207.

7. The Committee considered the application of Mr. Fayache at its closed meetings held on 9 and 11 September 1991.

8. Before the Committee proceeded to take a decision on the application of Mr. Fayache, the representatives of Egypt, Indonesia, Lebanon, Senegal and the United Arab Emirates stated that they would not participate in taking a decision with regard to that application.

9. Following these statements the Committee proceeded to take a decision on the application of Mr. Fayache.

10. The Committee decided that there was not a substantial basis for the application of Mr. Fayache under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 507 delivered by the United Nations Administrative Tribunal in the case of Mr. Fayache against the Secretary-General of the United Nations.

11. On 11 July 1991, the Committee received, through its Secretary, an application from Ms. Hamadeh-Banerjee requesting a review of Judgement No. 509 rendered by the United Nations Administrative Tribunal on 28 February 1991 in the case of Hamadeh-Banerjee against the Secretary-General of the United Nations. In accordance with paragraph 1 of article III of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 15 August 1991, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.208) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the Judgement of the Administrative Tribunal (AT/DEC/509).

12. Written comments of the respondent, submitted with respect to the application of Ms. Hamadeh-Banerjee in accordance with paragraph 1 of article IV of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.209.

13. The Committee considered the application of Ms. Hamadeh-Banerjee at its closed meeting held on 9 September 1991.

14. The Committee decided that there was not a substantial basis for the application of Ms. Hamadeh-Banerjee under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 509 delivered by the United Nations Administrative Tribunal in the case of Hamadeh-Banerjee against the Secretary-General of the United Nations.

III. OTHER MATTERS

15. The Committee discussed whether a verbatim record should be provided for the public meeting of the present session of the Committee. The Committee decided, without prejudice to the position or future occasions, that a verbatim record would be prepared for the public meeting at the current session.

16. In accordance with article VII, paragraph 4, of the rules of procedure of the Committee, the decisions of the Committee with regard to the applications

of Mr. Fayache and Ms. Hamadeh-Banerjee were formally announced by the Chairman at the meeting of the Committee, held in public on 13 September 1991. At that meeting the representatives of Chile, Senegal, Egypt, the United Kingdom and the USSR made statements for the record. The verbatim record of the public meeting of the Committee is contained in document A/AC.86/XXXVII/PV.3.